THE HON'BLE SRI JUSTICE C.V. RAMULU

Friday, 27th day of July,2007

W.P.No.14006 of 2005

Between:-

Kudupuru Primary Agricultural
Cooperative Credit Society
Limited, Kudupuru, K.Gangavaram
Mandal, East Godavari District,
Rep. by Person in-charge Chairman
M.Subrahmanyam … Petitioner

and

Challapalli Venkata Reddy
and another … Respondents

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W.P.No.14006 of 2005

ORAL ORDER:

This Writ Petition is filed questioning the Order dated 21-5-2005 made in Case No.A.P.S.E.13/2004 on the file of the Authority appointed under Section 48 of the A.P. Shops and Establishments Act,1988 (for short 'the Act').

It appears, the 1st respondent being aggrieved by the oral termination dated 20-8-2003 filed an appeal in case No.A.P.S.E.13 of 2004 before the Authority appointed under Section 48 of the Act-cum-Assistant Commissioner of Labour, Kakinada. The authority, after elaborate consideration of both oral and documentary evidence, came to the conclusion that the oral termination of the employee is illegal and directed the petitioner-Management to reinstate the workman into service with 50% of back wages. Challenging the same, the present Writ Petition is filed.

Admittedly, against the impugned Order, a statutory second appeal is available to the petitioner. Instead of approaching the statutory authority, petitioner has ventured to file this Writ Petition. No extra-ordinary ground is made out to maintain the Writ Petition in this shape.

Under the above circumstances, the Writ Petition is disposed of directing the petitioner to approach the appellate authority and file a second appeal under the Act, within a period of 30 days from the date of receipt of a copy of this Order. On filing such appeal within the above stipulated time, the second appellate authority shall entertain the same, without raising any objection as to the limitation. No order as to costs.

27-7-2007

prk